

1779-001 Volume 1

COURT OF CRIMINAL APPEALS NO. 99-1947

APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF AUTAUGA COUNTY, ALABAMA

CIRCUIT COURT NO. CC-99-322

CIRCUIT JUDGE JOHN B BUSH

Type of Conviction / Order Appealed From: MURDER

Sentence Imposed: 30 YEARS IN DOC

Defendant Indigent: ☒ YES ☐ NO

CARL EMMETT WYATT

GARY A. C. BACKUS

NAME OF APPELLANT

(Appellant's Attorney) P O BOX 1804 (Telephone No.)

(Address) MONTGOMERY, AL 36102-1804 (City) (State) (Zip Code)

V.

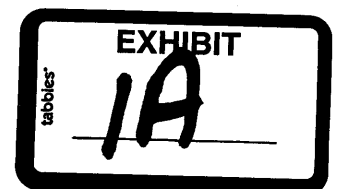
STATE OF ALABAMA

NAME OF APPELLEE

(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)



N THE CIRCUIT COURT OF AUTAUGA JUDGE: JDB

STATE OF ALABAMA VS WYATT CARL EMMETT

1759 ALPINE DRIVE

CC 1999 000322.00 DEATSVILLE, AL 36022 0000

DOB: 08/03/1941 SEX: M RACE: W HT: 5 06 WT: 120 HR: BRO EYES: BLU
SN: 423437132 ALIAS NAMES:

HARCE01: MURDER CODE01: MURD LIT: MURDER TYP: F #: 001
HARCE02: MURDER CODE02: MURD TYP: F #: 001
OFFENSE DATE: 06/02/1999 AGENCY/OFFICER: 0040000 NELSON

ATE WAR/CAF ISS: DATE ARRESTED: 06/09/1999
ATE INDICTED: 07/30/1999 DATE FILED: 08/06/1999
ATE RELEASED: DATE HEARING:
BOND AMOUNT: \$3,000.00 SURETIES:

ATE 1: 09/07/1999 DESC: ARRO TIME: 0900 A
ATE 2: DESC: TIME: 0000

RACKING NOS: DC 1999 000519 00 /

DEF/ATY: BOWERS, ROBERT L, JR TYPE: A TYPE:
401 2ND AVE N

CLANTON AL 35045

PROSECUTOR: GOGGANS, JAMES GLENN

TH USE: DC199900051900 CHK/TICKET NO: GRAND JURY: 136
COURT REPORTER: C.F.A.N. SID NO: 000000000
EF STATUS: JAIL DEMAND: OPER: DEM

S DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
08/06/1999	INDICTMENT, CAPIAS	DEM
08/19/1999	AFFIDAVIT OF SUBSTANTIAL HARDSHIP FILED	DEM
08/20/1999	ORDER APPOINTING COUNSEL FILED	DEM
08/31/1999	PLEA OF NOT GUILTY & WAIVER OF ARRAIGNMENT FILED	DEM
09/02/1999	CASE ACTION SUMMARY PRINTED (AR00)	DEM
9/7/99	Order At Arraignment filed	
9/8/99	State's Request for Production filed	
9/8/99	Notice of the State's Intention to Prosecute Under Habitual Felony Offender Act filed	
9-30-99	Trial set for Oct 25, 1999. JB	
10/25/99	On Motion of State, due to unavailability of essential State witness case continued to next term of Court. Plea Day March 24, 2000, Trial May 8, 2000 JB	

CASE ACTION SUMMARY (CONTINUATION)
SENTENCING ORDERCASE NUMBER
[CC 99-322]

STATE OF ALABAMA vs.

Carl Emmett Wyatt

Page 3

ATE: 6/14/00

JUDGE'S

ACTIONS, JUDGMENTS, CASE NOTES

INITIALS

Sentencing Order

The Defendant and counsel, and counsel for the State of Alabama appeared in open court for the Defendant to be sentenced on his/her conviction of Murder.

☒ The Defendant is adjudged guilty of Murder.

Habitual Felony Offender

☐ The Defendant has been given reasonable notice that the State intended to move the Court to sentence the Defendant under the provisions of Sec. 13A-5-9 and 10, Code of Alabama, 1975.

☐ The State's motion to sentence the Defendant pursuant to the Habitual Felony Offender Act is ☐ granted; ☐ denied. The Court finds the Defendant has ☐ prior convictions:

Sentence

☐ The Defendant waived a sentence hearing.

☒ The Court conducted a sentence hearing.

☒ A pre-sentence report was requested by the Defendant and considered by the Court.

☐ The defendant waived a pre-sentence investigation and report.

☐ Y.O.A.

☒ The Court asked the Defendant if he/she had anything to say why the sentence of law should not be imposed against him/her and ☐ the Defendant having had his/her say, ☒ the Defendant had nothing to say, it is ORDERED as follows:

☒ The Defendant is sentenced to the custody of the Commissioner of the Department of Corrections for a period of 30 year(s), and month(s), day(s) ☐ his/her life, ☐ his/her life without parole.

☐ The Defendant is sentenced to the custody of the Sheriff of County, Alabama, for a period of one year, month(s), day(s).

☐ The Defendant is sentenced to the custody of the Warden of the City of , Alabama Jail, for a period of one year, month(s), day(s).

☐ The Defendant is fined the sum of \$.

☒ Frank Lee Youth Center is recommended.

☒ The Defendant's sentence shall be concurrent with the sentence(s) imposed in .

☒ The Defendant shall pay restitution in the amount of \$ 39,211.44 Rule 68

☒ The Defendant shall pay the costs of this case.

☒ The Defendant shall pay the Alabama Crime V. C. F. the sum of \$ 100.00.

☒ The Defendant shall reimburse the State of Alabama the costs of his/her appointed counsel in the amount of \$ 1000.00.

☒ The payment of court ordered monies shall be a condition of parole, early release, S.I.R., or work release.

☒ The Defendant is given credit for time served.

☒ Def. agrees to appeal

6

ACTIONS, JUDGMENTS, CASE NOTES

SENTENCE SUSPENDED

TE
AGE'S
INITIALS

- [] The Defendant's sentence is suspended, and the Defendant is placed on
- [] court supervised probation for a period of _____.
- [] unsupervised probation for a period of _____.
- [] supervised probation for a period of _____.

SPLIT SENTENCE - SEC. 15-18-8, CODE OF ALABAMA

- [] The Defendant's sentence is hereby suspended in accordance with the provision of the Split Sentence Act. The Defendant's minimum period of confinement in a prison or jail shall be _____.
- [] The Defendant shall serve the aforesaid minimum period of confinement in the custody of the _____ who shall fully comply with the terms of this Court's Sentencing Order in maintaining Defendant's custody.
- [] In accordance with Sec. 15-18-8, this Court retains jurisdiction and authority over this Defendant for the duration of his sentence. The Defendant shall not be eligible for, nor shall Defendant be granted, work release, S.I.R., early release, predisciplinary leave, or parole during the minimum period of confinement. The Court may be petitioned for review of sentence during the minimum period of confinement by the Defendant or Defendant's custodian for the purpose of requesting modifications or amendments to this Sentencing Order including requests for entry into the above programs or supervised probation.
- [] After the Defendant has served the minimum period of confinement or at some time before the end of the confinement period, as directed by the Court, the Defendant shall be transported back to this Court by the department having custody of Defendant for the imposition of the terms and conditions of probation. The probation term shall be _____.
- [] The Defendant is a drug offender or has otherwise been determined to have a problem with substance abuse. The Defendant is in need of an intensive substance abuse program. The Defendant is, therefore, ordered to complete the substance abuse program at _____. Upon completion of the program or upon the Defendant reaching maximum benefit of the program, the Defendant's sentence shall be reviewed by the Court for imposition of other terms and conditions of the Split Sentence.

REVERSE SPLIT SENTENCE

- [] The Defendant's sentence is hereby suspended in accordance with Sec. 15-18-8 on a reverse split. The Defendant is ordered to serve a minimum period of confinement in a prison or jail for _____ as a first condition of probation. This term of confinement shall be in the custody of the _____. The Defendant's incarceration period is postponed for a period of _____ (mo/yr). At the expiration of the Defendant's supervised probation period, the Defendant shall appear before the Court and show cause why the incarceration period should be postponed indefinitely.

SPLIT SENTENCE - BOOT CAMP

- [] The Defendant's sentence is suspended, and he is placed on supervised probation for a period of _____; however, as the first condition of his probation the Defendant shall serve up to 180 days in the custody of the Commissioner of the Department of Corrections and he shall successfully complete the Disciplinary, Rehabilitation Program. If the Defendant successfully completes the program, he shall be returned to this Court for the imposition of further terms and conditions of probation. If the Defendant does not successfully complete the program, he shall remain in the custody of the Commissioner of the Department of Corrections for a period of _____.

[]

STATE OF ALABAMA VS WYATT CARL EMMETT

ACTION, JUDGMENTS, CASE NOTES

7
Page 4

6/14/00	Order Assessing Court Costs, Fines, Restitution and Recoupment of Attorney Fees filed
6/19/00	Notice of Appeal to the Court of Criminal Appeals of Alabama filed
6/19/00	Motion to Withdraw filed
6/19/00	Motion for Leave to Appeal in Forma Pauperis filed
6/19/00	Notice of Appeal to the Alabama Court of Criminal Appeals by the Trial Court Clerk
6/21/00	Order filed - Motion to Withdraw Granted (6/27 copy to Bowers)
6/21/00	Order for Appointment of Counsel on Appeal filed (6/27 Copy to Backus)
6/27/00	^{Amended} Notice of Appeal to the Alabama Court of Criminal Appeals by the Trial Court Clerk (6/27 copies mailed)
6/30/00	Court of Criminal Appeal Docketing Statement filed (7/11/00 Copies Mailed)
6/30/00	Reporter's Transcript Order B Criminal filed (7/11/00 Copies Mailed)

INDICTMENT

8

Autauga County-----July 1999-----Grand Jury # 166

THE STATE OF ALABAMA

vs.

CARL EMMETT WYATT

CC-99-322-B

Hair: BRN Eyes: BLU Height: 5 ft. 6 in. Weight: 120 DOB: 08/03/1941 SID:

Address: 1744 ALPINE DRIVE, DEATSVILLE, AL 36022

CHARGES

1. MURDER
2. MURDER (alternative count)

WITNESSES

T.E. BLEVINS
 DONALD BRACKIN
 DEPUTY BURKS
 DR. EDWARD FOXHALL
 DR. GREGORY WANGER
 DR. NORMAN GARRISON
 JERRY L MCMICHAEL
 LT. DONNIE NELSON
 JOSEPH SALOOM
 BYRON SEARCY
 BYRON SEARCY
 THOMAS SEARCY
 JOE SEDINGER

A TRUE BILL

Katherine B. Work Jackson
 Foreperson Grand Jury

Bail fixed at \$

30,000⁰⁰

this 30th day of JULY, 1999

Presented to the presiding Judge in open
 Court by the Foreperson of the Grand Jury.

and filed by order of the Court this 30TH day
 of JULY, 1999

Fred [Signature]
 Clerk

Self [Signature]
 Circuit Judge

District Court Bond Amount \$

DEFENDANT HAS/HAS NOT POSTED
 BOND IN DISTRICT COURT

INDICTMENT

THE STATE OF ALABAMA, AUTAUGA COUNTY CIRCUIT COURT - NINETEENTH JUDICIAL CIRCUIT

The Grand Jury of Autauga County charge that, before the finding of the indictment,
CARL EMMETT WYATT

Whose true name is to the Grand Jury unknown, otherwise than as stated,

did intentionally cause the death of another person, HERMAN SEARCY, by BY SHOOTING HIM with a PISTOL, in violation of Section 13A-6-2(a)(1), Code of Alabama, 1975, OR, in the alternative.

COUNT 2

The Grand Jury of said county further charge that, before the finding of this indictment, CARL EMMETT WYATT, whose name is otherwise unknown to the Grand Jury, did under circumstances manifesting extreme indifference to human life, he recklessly engaged in conduct which creates a risk of death to a person other than himself to wit: being intoxicated did fire a gun without first identifying whom he was shooting at and did cause the death of HERMAN SEARCY, in violation of Section 13A-6-2(a)(2), Code of Alabama, 1975.

AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

JANICE CLARDY
District Attorney
NINETEENTH Judicial Circuit

CAPIAS

STATE OF ALABAMA, AUTAUGA COUNTY

GJ# 166

CC-99-322

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:—

An Indictment having been found at the July 30, Term, 1999 of the Circuit Court of
 Autauga County against Carl Emmett Wyatt
 for the offense of Murder (2cts)

You are therefore commanded forthwith, to arrest the said

Carl Emmett Wyatt

and commit him/her to jail unless he gives bail to answer such indictment and that you return this
 writ according to law.

Witness Fred Posey, Clerk of Circuit Court of Autauga County, this the

4 day of August, A. D. 1999

Fred Posey
 Circuit Clerk
 Autauga County, Alabama

Bond set in the amount of \$ 30,000.00

Received in office _____ day of _____, 19____

SheriffExecuted by IN JAIL6 day of Aug, 1999_____
SheriffLongcrier

Deputy Sheriff

ADD/ 1744 1/2 Ave Dr
Deatsville, AL 36022DOB/ 8 1 3 1 41SSN/ 423 - 48 - 7132RACE/ W SEX/ MHAIR/ Brn EYE/ BluWGT/ 120 HGT/ 5'6"DATE/ 1 1

AIN#/

PIC CODE/

FILED IN
 CIRCUIT CLERKS OFFICE
 AUTAUGA CO., AL
 1999 AUG - 6 AM 11:00
 FRED POSEY
 CIRCUIT CLERK

AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

THE CIRCUIT COURT OF AUTAUGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)
STYLE OF CASE: STATE OF ALABAMA v. CARL EMMETT WYATT
Plaintiff(s) Defendant(s)

TYPE OF PROCEEDING: _____ CHARGE(s) (if applicable): MURDER (2 cts)

- ☐ **CIVIL CASE**-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- ☐ **CIVIL CASE**-- (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.
- ☒ **CRIMINAL CASE**-- I am financially unable to hire an attorney and request that the court appoint one for me.
- ☐ **DELINQUENCY/NEED OF SUPERVISION**-- I am financially unable to hire an attorney and request that the court appoint one for my child/me.

AFFIDAVIT

SECTION I.

1. IDENTIFICATION

Full name CARL EMMETT WYATT Date of birth 8-3-61
Spouse's full name (if married) _____
Complete home address 1759 ALPINE DR DENTONVILLE, AL
Number of people living in household 3 I STAY WITH MY PARENTS
Home telephone number 234-365-4611
Occupation/Job DRIVER Length of employment 4 YEARS
Driver's license number None *Social Security Number 1523-43-1713
Employer None Employer's telephone number None
Employer's address None I HAVE HAD A PERMANENT JOB IN THE PAST
I WORK AS A DRIVER WHEN I CAN FIND IT

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

☐ AFDC ☐ Food Stamps ☐ SSI ☐ Medicaid ☐ Other _____

3. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income _____
Spouse's Monthly Gross Income (unless a marital offense) _____
Other Earnings: Commissions, Bonuses, Interest Income, etc. _____
Contributions from Other People Living in Household _____
Unemployment/Workmen's Compensation, _____
Social Security, Retirements, etc. _____
Other Income (be specific) None

\$ 96.00 per week VA Comp
None
None
None
None
TOTAL MONTHLY GROSS INCOME \$ 96.00

Monthly Expenses:

A. Living Expenses
Rent/Mortgage _____
Total Utilities: Gas, Electricity, Water, etc. _____
Food _____
Clothing _____
Health Care/Medical _____
Insurance _____
Car Payment(s)/Transportation Expenses _____
Loan Payment(s) _____

96.00
\$ 96.00
None
None
None
None
None
None

Monthly Expenses: (cont'd page 1)

Credit Card Payment(s)

Educational/Employment Expenses

Other Expenses (be specific)

Sub-Total

B. Child Support Payment(s)/Alimony

Sub-Total

C. Exceptional Expenses

TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only)

A \$

B \$

\$

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$

4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)

Equity in Real Estate (value of property less what you owe)

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe)

Other (be specific)

Do you own anything else of value? ☐ Yes ☒ No

(land, house, boat, TV, stereo, jewelry)

If so, describe

\$

TOTAL LIQUID ASSETS

\$

5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

19 day of AUGUST, 1999.

Judge/Clerk/Notary

Affiant's Signature

Print or Type Name

FRED POSEY
CIRCUIT CLERK

1999 AUG 19 AM 8:12

FILED IN
CIRCUIT CLERKS OFFICE
AUSAUGA CO., AL

COUNSEL

THE CIRCUIT COURT OF AUTAUGA ALABAMA
 (Circuit, District, or Municipal) (Name of County or Municipality)
 TITLE OF CASE: STATE OF ALABAMA v. CARL EMMETT WYATT
 Plaintiff(s) Defendant(s)
 TYPE OF PROCEEDING: _____ CHARGE(s) (if applicable): MURDER (2CTS)

IT IS THEREFORE, ORDERED AND ADJUDGED BY THIS COURT AS FOLLOWS:

- ☐ Affiant is not indigent and request is DENIED.
☐ Affiant is partially indigent and able to contribute monetarily toward his defense; therefore, defendant is ordered to pay \$ _____ toward the anticipated cost of appointed counsel. Said amount is to be paid to the Clerk of Court or as otherwise ordered and disbursed as follows: _____

- ☒ Affiant is indigent and request is GRANTED.
☐ The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that Robert Bowers, Jr. is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the Court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the Court and paid to the appointed counsel, and costs of court.

Done this 20 day of August, 19 99

[Signature]
 Judge

FRED POSEY
 CIRCUIT CLERK

1999 AUG 20 PM 12: 59

FILED IN
 CIRCUIT CLERKS OFFICE
 AUTAUGA CO., AL

8-26 Copy to DA, Atty, Def+

AND WAIVER OF ARRAIGNMENT

14

THE Circuit COURT OF Autauga COUNTY

STATE OF ALABAMA v. Carl Emmett Wyatt

COMES NOW the Defendant in the above styled matter, and to the offense charged enters a plea of Not Guilty

Defendant further waives the right to have an Arraignment at which the Defendant is present in person, or at which the Defendant is represented by an attorney.

But, the Defendant specifically and expressly reserves the right upon the filing hereof to hereafter, but before trial or before such date as may be set by the Court, to interpose any special pleas or additional pleadings which the Defendant had the right as a matter of law or rule to interpose in this cause, prior to the filing hereof.

Defendant's date of birth is 8-3-41. Defendant's age is 58.
The Defendant is not eligible for consideration by the Court for Youthful Offender status as provided by law.

8-31-99
Date

8-31-99
Date

[Signature]
Defendant
[Signature]
Attorney for Defendant

This is to certify that I am the Attorney for the Defendant in this matter, and that I have fully explained this form and all matters set forth herein, and pertaining hereto, to the Defendant. I further state to the Court that I have explained to the Defendant his right to be Arraigned in person and his right to have me represent him at Arraignment. I further certify to the Court that my client hereby knowingly, voluntarily, and intelligently waives these rights after a full and complete explanation of each and every one of them to him by me. BOTH MYSELF AND THE DEFENDANT UNDERSTAND THAT I AM RESPONSIBLE FOR ASCERTAINING WHAT DATE, IF ANY, HAS BEEN SET BY THE COURT FOR THE MAKING OR FILING OF ANY ADDITIONAL PLEADINGS OR SPECIAL PLEAS. I FURTHER UNDERSTAND THAT I AM RESPONSIBLE FOR NOTIFYING MY CLIENT OF THE DATE HIS CASE IS SET FOR TRIAL, AND THAT I HAVE ADVISED AND INFORMED HIM THAT IN THE EVENT HE FAILS TO APPEAR ON THE DATE HIS CASE IS SET FOR TRIAL, ALL APPROPRIATE LEGAL ACTION WILL BE TAKEN BY THE COURT AGAINST THE DEFENDANT AND HIS BOND. I further certify to the Court that I have advised my client that he is responsible for obtaining the date his case is set for trial in this matter and that in the event he fails to appear on the date his case is set for trial all appropriate legal action will be taken by the Court against the Defendant and his bond, and I hereby certify that the Defendant knows that he is personally responsible for obtaining the date his case is set for trial and for being present in Court on that date.

FILED IN OFFICE
CIRCUIT CLERK
AUTAUGA CO., AL

1999 AUG 31 PM 2:22

FRED POSEY
CIRCUIT CLERK

[Signature]
Attorney for Defendant Signature
ROBERT L. DOWERS JR
Printed Attorney's Name

Address

This is to certify that my Attorney has explained each and every matter and right set forth in this form and I have completely and fully read and do so understand each and every matter set forth in this form. I further state to the Court that I do not wish to be personally present at an Arraignment in this case and that I do not want to have an Attorney represent me at an Arraignment and WITH FULL KNOWLEDGE OF EACH OF THESE RIGHTS, I HEREBY EXPRESSLY WAIVE SUCH RIGHTS. I further state to the Court that I have been informed of the charge against me.

8-31-99
Date

Filed in office this date 8-31-99

[Signature]
Defendant Signature
Fred Posey
Clerk
By: [Signature]

Plaintiff,

vs.
Carl Emmett Wyatt
Defendant.

* CHARGE Murder
*
*
*

ORDER AT ARRAIGNMENT

The Defendant having been arraigned, the Court makes the following orders:

1. The trial date is the week of Oct. 25, 1999.
2. The Defendant and State are allowed 14 days to file special pleas or motions which includes discovery outside of standard orders.
3. A Plea Day will be held as scheduled. Sept. 30, 1999
@ 9:00 a.m.
THE DISTRICT ATTORNEY HANDLING THESE CASES, THE DEFENSE ATTORNEY AND THE DEFENDANT ARE ORDERED TO APPEAR ON THIS DAY. Any pending motions and any pleas with recommendations shall be heard on this day. No recommendation shall be entertained by the Court with respect to sentencing after said date.
4. The Defendant must inform the Court on Plea Day whether or not the case will be tried or whether the Defendant will enter a plea of guilty.
5. THE FAILURE OF THE DEFENDANT TO COMPLY WITH THE TERMS OF THIS ORDER SHALL, AT THE DISCRETION OF THE COURT, RESULT IN FORFEITURE OF THE DEFENDANT'S BOND AND THE ISSUANCE OF A WRIT OF ARREST, if the defendant is on bond.

ORDERED this 7th day of September, 1999

FILED IN
CIRCUIT CLERKS OFFICE
AUTAUGA CO., AL

Sibley Reynolds
SIBLEY REYNOLDS CIRCUIT JUDGE

VS.

Autauga COUNTY, ALABAMA

CASE NO. CC- 99-322

Earl Emmett Wyatt

STATE'S REQUEST FOR PRODUCTION

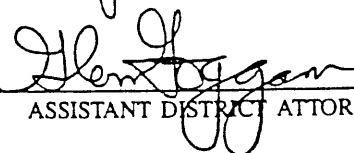
The State of Alabama hereby requests the Defendant:

1. To allow the state to analyze, inspect, and copy or photograph any and all books, papers, documents, photographs, tangible objects, buildings or places, or portions of any of these things, which are within the possession, custody, or control of the defendant and which the defendant intends to introduce in evidence at the trial of this cause.

2. To allow the State to inspect and copy any and all results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this case, which are within the possession or control of the defendant and which the defense intends to introduce in evidence at the trial of this case or which were prepared by a witness whom the defendant intends to call at trial, if the results or reports relate to the witness's testimony.

This request includes any and all such evidence or information now in the possession of the defendant, or which comes into the possession of the defendant in the future, or of which the defendant now has knowledge or in the future obtains knowledge.

DATED this the 24th day of September, 1999


ASSISTANT DISTRICT ATTORNEY

FILED IN
CIRCUIT CLERKS OFFICE
AUTAUGA CO., AL

1999 SEP -8 PM 3:18

FRED POSEY
CIRCUIT CLERK

CERTIFICATE OF SERVICE

I do hereby certify that I have on this date served a copy of the foregoing on the Attorney for the Defendant in the above styled cause, by:

☐ United States mail.

☒ Personal Service.


ASSISTANT DISTRICT ATTORNEY

STATE OF ALABAMA

VS.

Carl Emmett Wyatt*
*
*
*
*
*

IN THE CIRCUIT COURT OF

Autauga COUNTY, ALABAMACASE NUMBER CC-99-322

17

NOTICE OF THE STATE'S INTENTION TO PROSECUTE
UNDER HABITUAL FELONY OFFENDER ACT

COMES NOW the State of Alabama, by and through the Office of the District Attorney for the Nineteenth Judicial Circuit, to respectfully file Notice that the State intends to prosecute said Defendant under the provisions of the Habitual Felony Offender Act, § 13A-5-9, Code of Alabama, 1975, should said Act be applicable to said Defendant.

Further, the State gives notice that should the provisions of said Act be applicable to said Defendant, the State shall, pursuant to Rule 6(b) (3) (ii), Alabama Rules of Criminal Procedure, at a reasonable time prior to any sentencing hearing provide the Defendant with the prior felony convictions upon which the State will rely to invoke the provisions of said Act.

Notice given on this the 8th day of September, 1999.

Henry Hoggan
 ASSISTANT DISTRICT ATTORNEY

CERTIFICATE OF SERVICE

I do hereby certify that I have on this date served a copy of the foregoing on the Attorney for the Defendant in the above styled cause, by:

☐ United States mail.

☒ Personal Service.

Henry Hoggan
 ASSISTANT DISTRICT ATTORNEY

FILED IN
 CIRCUIT CLERK'S OFFICE
 AUTAUGA CO., AL

1999 SEP -8 PM 3:18

FRED POSEY
 CIRCUIT CLERK

18

State of Alabama

In the Circuit Court
of Antauga Co.

vs

Carl E. Wyatt
Defendant

Case No.

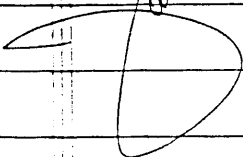
CC 99-322

Defendant's Requested Jury Charge

Defendant request the Court to
instruct the jury on the charge
of Criminally Negligent Homicide

Dated this the 9th day of May 2005

Robert W. Sawyer
Attorney for Defendant

Denise P. Russell
Mr B. Busch
C.T.


19

We, the jury, find the Defendant Carl Emmett Wyatt
Guilty of Reckless Murder as charged in the Indictment.

Robin W. Barnes
Foreperson

We, the jury, find the Defendant Carl Emmett Wyatt
Guilty of Manslaughter as embraced in the Indictment.

Foreperson

We, the jury, find the Defendant Not Guilty.

Foreperson

IN THE Circuit COURT OF Autauga COUNTYSTATE OF ALABAMA V. Carl Emmett Watt CASE# CC99-322ORDER ASSESSING COURT COSTS, FINES
RESTITUTION AND RECOUPMENT OF ATTORNEY FEESA Sentence/Restitution was held on June 14, 2000

and the following court ordered monies are to be paid by the Defendant:

☒ Court Costs 757.00 to be paid by _____☒ Restitution in the amount of 39,211.44 to per list

to be paid by _____

_____ Restitution to be paid in installments of _____ a _____

beginning _____

☒ Victim Compensation in the amount of 100.00 to be paid by _____☒ Court Ordered Attorney Fees 1000.00 to be paid by _____

_____ Fines _____ to be paid by _____

TOTAL _____

The above Court Ordered monies are to be paid directly to the Clerk of this Court. If payment is authorized to be made in installments there shall be paid an additional \$1.00 administrative as provided in Sec. 12-19-26, Code of Alabama, 1975, with each periodic payment.

_____ Court ordered monies are a condition of probation and if probation is revoked, this Costs Order shall be forwarded to the Department of Corrections. This Order shall be enforceable during the period of imprisonment and shall be paid from any income or other assets to which the Defendant shall be entitled, including prisoner's money on deposit. Any person in real or constructive possession, custody or control of such employment income, other income or assets of the Defendant, shall pay over, deliver, convey, transfer and assign the same to the Clerk of this Court. This Order shall be a condition of future parole.

☒ This Order shall be enforceable during the period of imprisonment and shall be paid from any income or other assets to which the Defendant shall be entitled, including prisoner's money on deposit. Any person in real or constructive possession, custody or control of such employment income, other income or assets of the Defendant, shall pay over, deliver, convey, transfer and assign the same to the Clerk of this Court. This Order shall be a condition of future parole.

ORDERED at Prichard, Alabama, this 14 June, 2000

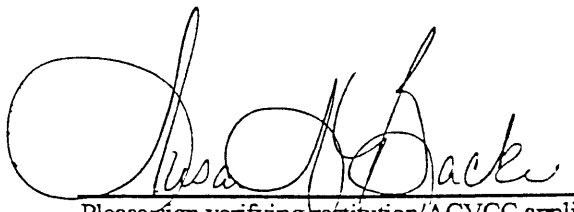
200 JUN 14 PM 2:45

FILED IN
CIRCUIT CLERKS OFFICE
AUTAUGA CO., AL

Circuit Judge

Jackson's Hospital	\$31,406.00	R 008
Radiology Group, PA	78.00	R 001
Ala. Pathology Assoc.	235.00	R 002
Prattville Fire & Ambulance	477.94	R 004
Prattville Baptist Hospital	448.85	R 003
Greenwood and Serenity Cemetery (opening and closing grave space)	840.00	R 005
Greenwood and Serenity Cemetery (marker engraving)	165.00	
Leak-Memory Chapel	1,535.65	R 006
Donald F. Brackin	1,311.00	
Stephen Searcy	224.65	

~~TOTAL~~ \$ 35,186.44

 25 Apr 00
Please sign verifying restitution/ACVCC application amount

DR. Edward Foxhall, II 4,025.00 R007

Total \$ 39,211.44

FRED POSEY
CIRCUIT CLERK

JUN 14 PM 2:45

FILED IN
CIRCUIT CLERKS OFFICE
AUTAUGA CO., AL

NOTICE OF APPEAL TO THE COURT
OF CRIMINAL APPEALS OF ALABAMA

CARL EMMETT WYATT

APPELLANT

VS.

STATE OF ALABAMA

APPELLEE

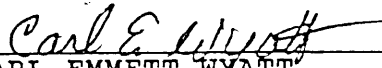
IN THE CIRCUIT COURT OF


AUTAUGA COUNTY, ALABAMA

CASE NO. CC 99-322

DATE OF JUDGEMENT 06/14/00

NOTICE IS HEREBY GIVEN that Carl Emmett Wyatt, appeals to the above named Court from the Judgement entered in this cause on the 23rd day of February, 1993, adjudging the Defendant to be guilty of the offense of Murder, and as punishment thereof, sentencing the Defendant to serve a term of 30 years.


CARL EMMETT WYATT


ROBERT L. BOWERS, JR.
ATTORNEY FOR APPELLANT
401 SECOND AVENUE NORTH
CLANTON, AL 35045
755-7428

FILED IN
CIRCUIT CLERKS OFFICE
AUTAUGA CO., AL

200 JUN 19 PM 3:13

FRED POSEY
CIRCUIT CLERK

THE ABOVE NOTICE OF APPEAL BEING PRESENTED to the Court, the appeal bond is hereby set in the amount of \$_____.

DATED this the _____ day of _____, 2000.

CIRCUIT JUDGE

PLAINTIFF

AUTAUGA COUNTY, ALABAMA

VS.

CARL EMMETT WYATT

DEFENDANT

CASE NO. CC 99-322

MOTION TO WITHDRAW

Comes now the undersigned and moves to withdraw as attorney of record for the Defendant, Carl Emmett Wyatt, and for grounds says as follows:

1. That the Defendant has filed an Appeal of his conviction.
2. That the undersigned serves as the Public Defender for Autauga County, Alabama, and under the contract that the undersigned has with the State, the undersigned is not required to handle the appeal.

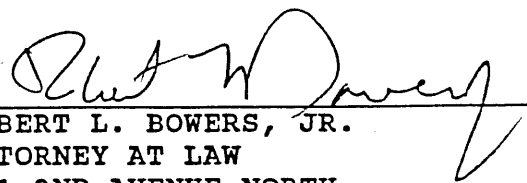
WHEREFORE, THE PREMISES CONSIDERED, the undersigned moves the Court to be allowed to withdraw as attorney of record for the Defendant on his Appeal.

DATED this the 15th day of June, 2000.

FILED IN
CIRCUIT CLERKS OFFICE
AUTAUGA CO., AL

2000 JUN 19 PM 3:10

FRED POSEY
CIRCUIT CLERK


ROBERT L. BOWERS, JR.
ATTORNEY AT LAW
401 2ND AVENUE NORTH
CLANTON, AL 35045
(205) 755-7428

24

PLAINTIFF

VS.

AUTAUGA COUNTY, ALABAMA

CARL EMMETT WYATT

DEFENDANT

CASE NO. CC 99-322

MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

Comes now the Defendant, and moves the Court for an Order granting leave to appeal in Forma Pauperis, and in support of said Motion says as follows:

1. That the Defendant in the above entitled case has been incarcerated since 6-1-1999, and has had no income or benefits and is unable to pay the cost of said proceedings or to give security therefore.

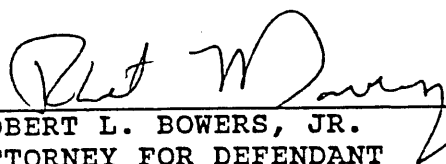
2. That the Defendant further request the Court to appoint counsel for him to handle his appeal, and request the Court to order a transcript to be made of all actions necessary for the proper appeal of said case.

DATED this the 15th day of June, 2000.

FILED IN
CIRCUIT CLERKS OFFICE
AUTAUGA CO., AL

2000 JUN 19 PM 3:13

FRED POSEY
CIRCUIT CLERK


ROBERT L. BOWERS, JR.
ATTORNEY FOR DEFENDANT
401 SECOND AVENUE NORTH
CLANTON, AL 35045
755-7428

APPELLANT'S NAME

(as it appears on the indictment)

STATE OF ALABAMA

CITY OF

APPELLEE

XXX CIRCUIT DISTRICT JUVENILE COURT OF Autauga COUNTY

RCUIT/DISTRICT/JUVENILE JUDGE: JOHN B BUSH

DATE OF NOTICE OF APPEAL: 6/19/00

(NOTE: If the appellant is incarcerated and files notice of appeal, this date should be the date on the certificate of service, or if there was no certificate of service, use the postmark date on the envelope.)

INDIGENCY STATUS:

Granted Indigency Status at Trial Court:

Appointed Trial Counsel Permitted to Withdraw on Appeal:

Indigent Status Revoked on Appeal:

XX Yes ☐ No☐ Yes ☐ No☐ Yes ☐ No

DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed?

☐ Yes ☒ No

TYPE OF APPEAL: (Please check the appropriate block.)

☒ State Conviction☐ Rule 32 Petition☐ Probation Revocation☐ Mandamus Petition☐ Pretrial Appeal by State☐ Contempt Adjudication☐ Municipal Conviction☐ Writ of Certiorari☐ Juvenile Transfer Order☐ Juvenile Delinquency☐ Habeas Corpus Petition☐ Other(specify)

IF THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC.) OR FROM ANY OTHER ORDER ISSUED BY THE TRIAL JUDGE, COMPLETE THE FOLLOWING:

TRIAL COURT CASE NO.:

DATE ORDER WAS ENTERED:

PETITION: ☐ Dismissed ☐ Denied ☐ Granted

IF THIS IS AN APPEAL FROM A CONVICTION, COMPLETE THE FOLLOWING:

DATE OF CONVICTION: 5/9/00

DATE OF SENTENCE: 6/14/00

OUTFUL OFFENDER STATUS:

Requested: ☐ Yes ☒ NoGranted: ☐ Yes ☐ No

EACH CONVICTION BELOW: (attach additional page if necessary)

1. Trial Court Case No. CC-99-322 CONVICTION: Murder
Sentence: 30 years DOC
2. Trial Court Case No. CONVICTION:
Sentence:
3. Trial Court Case No. CONVICTION:
Sentence:

POST-JUDGMENT MOTIONS FILED: (complete as appropriate)

☐ Motion for New Trial☐ Motion for Judgment of Acquittal☐ Motion to Withdraw Guilty Plea☐ Motion in Arrest of Judgment☐ Other

Date Filed

Date Denied

Continued by Agreement To (Date)

COURT REPORTER(S): Mrs. Carol Fain

ADDRESS: 8935 U S Hwy 231, Room 232

Wetumpka, AL 36092

APPELATE COUNSEL: Robert I. Bowers, Jr. MOTION TO WITHDRAW FILED

ADDRESS: 401 2nd Ave N, Clanton, AL 35045

APPELLANT: (IF PRO SE) AIS#

ADDRESS:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I certify that the information provided above is accurate to the best of my knowledge and I have served a copy of this Notice of Appeal on all parties to this action on this 19th day of June, 2000.

CIRCUIT COURT CLERK

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT

STATE OF ALABAMA _____,)
Plaintiff _____)
v. _____) Case No. CC-99-322
CARL EMMETT WYATT _____)
Defendant _____)

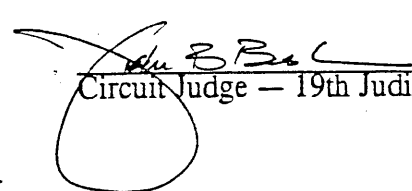
ORDER ON MOTION

This matter is before the Court on the Motion of _____
Defendant's Attorney _____
to _____ Withdraw as Counsel _____

Upon consideration the Court finds that the Motion is _____ well taken. It is
therefore ORDERED, ADJUDGED and DECREED that the Motion be and is hereby _____
GRANTED _____

The _____ is allowed _____ days from this date in which
to _____

DONE and ORDERED this 21st day of June, ~~19~~ 2000


Circuit Judge — 19th Judicial Circuit

copies to:
Plaintiff
Defendant

FILED IN
CIRCUIT CLERK'S OFFICE
AUTAUGA COUNTY, ALA.

A.M. JUN 21 2000 P.M.


FRED POSEY
CLERK

27

IN THE CIRCUIT COURT OF AUTAUGA COUNTY, ALABAMA.

STATE OF ALABAMA,

PLAINTIFF,

V.

CASE NO. CC-99-322

CARL EMMETT WYATT,

DEFENDANT.

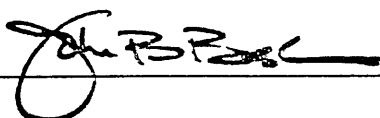
ORDER FOR APPOINTMENT OF COUNSEL ON APPEAL

This matter is before the Court on Defendant's Motion for Leave to Appeal In Forma Pauperis. After consideration, it is therefore ORDERED, ADJUDGED, and DECREED as follows:

The Honorable Robert Bowers, Jr., is withdrawn as Counsel for the Defendant. The Defendant, having given notice of appeal and being an indigent party, it is ORDERED that the Court Reporter prepare a transcript of the record in this case. It is further ORDERED that Honorable Gary A. C. Backus, P. O. Box 1804, Montgomery, Alabama 36102-1804, is appointed to represent the Defendant on appeal.

DONE this 21st day of June, 2000.

FILED IN
CIRCUIT CLERKS OFFICE
AUTAUGA CO., AL
JUL 23 AM 10:47
FRED POSEY
CIRCUIT CLERK



John B. Bush, Circuit Judge

APPELLANT'S NAME

(as it appears on the indictment)

STATE OF ALABAMA

CITY OF

APPELLEE

XXX

CIRCUIT

DISTRICT

JUVENILE COURT OF

AUTAUGA

COUNTY

RCUIT/DISTRICT/JUVENILE JUDGE:

JOHN B BUSH

DATE OF NOTICE OF APPEAL:

6/19/00

(NOTE: If the appellant is incarcerated and files notice of appeal, this date should be the date on the certificate of service, or if there was no certificate of service, use the postmark date on the envelope.)

INDIGENCY STATUS:

Granted Indigency Status at Trial Court:

Appointed Trial Counsel Permitted to Withdraw on Appeal:

Indigent Status Revoked on Appeal:

☒ Yes ☐ No☒ Yes ☐ No☐ Yes ☒ No

DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed?

☐ Yes ☒ No

TYPE OF APPEAL: (Please check the appropriate block.)

☒ State Conviction☐ Rule 32 Petition☐ Probation Revocation☐ Mandamus Petition☐ Pretrial Appeal by State☐ Contempt Adjudication☐ Municipal Conviction☐ Writ of Certiorari☐ Juvenile Transfer Order☐ Juvenile Delinquency☐ Habeas Corpus Petition☐ Other(specify)

IF THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC.) OR FROM ANY OTHER ORDER ISSUED BY THE TRIAL JUDGE, COMPLETE THE FOLLOWING:

TRIAL COURT CASE NO.:

DATE ORDER WAS ENTERED:

PETITION: ☐ Dismissed ☐ Denied ☐ Granted

IF THIS IS AN APPEAL FROM A CONVICTION, COMPLETE THE FOLLOWING:

DATE OF CONVICTION: 5/9/00

DATE OF SENTENCE: 6/14/00

OUTFUL OFFENDER STATUS:

Requested: ☐ Yes ☒ NoGranted: ☐ Yes ☐ No

EACH CONVICTION BELOW: (attach additional page if necessary)

1. Trial Court Case No. CC-99-322 CONVICTION: Murder
Sentence: 30 years DOC
2. Trial Court Case No. CONVICTION:
Sentence:
3. Trial Court Case No. CONVICTION:
Sentence:

POST-JUDGMENT MOTIONS FILED: (complete as appropriate)

- ☐ Motion for New Trial
- ☐ Motion for Judgment of Acquittal
- ☐ Motion to Withdraw Guilty Plea
- ☐ Motion in Arrest of Judgment
- ☐ Other

Date Filed

Date Denied

Continued by Agreement To (Date)

COURT REPORTER(S):

Mrs. Carol Fain

ADDRESS:

8935 U S Hwy 231, Room 232

Wetumpka, AL 36092

APPELLATE COUNSEL:

Gary A. C. Backus

ADDRESS:

P O Box 1804, Montgomery, AL 36102-1804

APPELLANT: (IF PRO SE)..... AIS#

ADDRESS:

APPELLEE (IF CITY APPEAL):..

ADDRESS:

I certify that the information provided above is accurate to the best of my knowledge and I have served a copy of this Notice of Appeal on all parties to this action on this 27th day of June, 2000

CIRCUIT COURT CLERK

29

A. GENERAL INFORMATION:

CIRCUIT COURT OF AUTAUGA COUNTY

CARL EMMETT WYATT, Appellant

v.

STATE OF ALABAMA

Case Number CC-99-322 Date of Complaint or Indictment: N/A Date of Judgment/Sentence/Order: Sentence June 14, 2000

Number of Days of Trial 1 Date of Notice of Appeal Oral: N/A, Written: June 19, 2000

Indigent Status Requested: Yes Indigent Status Granted: Yes

B. REPRESENTATION:

Is Attorney Appointed or Retained? Appointed If no attorney, will appellant represent self?

Appellant's Attorney Telephone Number
GARY A. C. BACKUS (334) 265-0800

Address City State Zip Code
Post Office Box 1804 Montgomery Alabama 36102-1804

C. CODEFENDANTS: List each CODEFENDANT and the codefendant's case number.

Codefendant: Case Number

Codefendant: Case Number

Codefendant: Case Number

D. TYPE OF APPEAL: (1) State Conviction

E. UNDERLYING CONVICTION/CHARGE: Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

(2) Homicide - Reckless Murder - Sec. 13A-6-2.

F. DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed? No

G. TRANSCRIPT:

1. Will the record on appeal have a reporter's transcript? Yes

2. If the answer to question 1 is Yes, state the date the Reporter's Transcript Order was filed. June 28, 2000.

3. If the answer to question 1 is No:

(a) Will a stipulation of facts be filed with the circuit clerk?

(b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions?

NOTE: If the appeal is from the district or juvenile court and the answer to 1 is No, then a positive response is required for question 3(a) or 3(b).

H. POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (A. R. Cr. P.)):

DATE OF FILING TYPE OF POST-JUDGMENT MOTION DATE OF DISPOSITION
None

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

Appellate counsel has not yet had an opportunity to review the case and therefore is not aware of the nature of the case sufficient to summarize the facts.

J. ISSUES ON APPEAL: Briefly state the anticipated issues that will be presented on appeal.

Appellate counsel has not yet had an opportunity to review the transcript and does not yet know the issues that will be presented on appeal.

K. SIGNATURE

EE :01 17 05 JUN 00

June 28, 2000

Date

Gary A. Backus
GARY A. C. BACKUS

FILED IN
CIRCUIT CLERK'S OFFICE

30

State of Alabama Unified Judicial System Form ARAP-1C	REPORTER'S TRANSCRIPT ORDER B CRIMINAL See Rules 10(c) and 11(b) or the Alabama Rules of Appellate Procedure (A. R. App. P.)	Criminal Appeal Number CR-99-1947
---	--	--------------------------------------

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

CIRCUIT COURT OF AUTAUGA COUNTY
 CARL EMMETT WYATT, Appellant
 v.
 STATE OF ALABAMA
 Case Number CC-99-322
 Date of Notice of Appeal: June 19, 2000 (Written)

Date of Judgment/Sentence/Order: June 14, 2000
 Indigent Status Granted: Yes

Part 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:
 I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY. IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT, I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED; OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE/DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE AND Sec. 12-12-72, CODE OF ALABAMA 1975).

Signature	Date	GARY A. C. BACKUS Print or Type Name
-----------	------	---

Part 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED. Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (See Rule 10(c)(2), Alabama Rules of Appellate Procedure (A. R. App. P.)):

A. XX TRIAL PROCEEDINGS B Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately.
 COURT REPORTER(S)
CAROL FAIN, 8935 U.S. Highway 231, Room 232, Wetumpka, Alabama 36092

B. XX ORGANIZATION OF THE JURY B This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (see Rule 19.4, A. R. Cr. P.)

C. ARGUMENTS OF COUNSEL B Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4 A. R. Cr. P.)

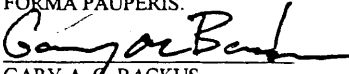
IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):

ADDITIONAL PROCEEDINGS REQUESTED DATE COURT REPORTER(S)

D.

IMPORTANT NOTICE: The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A. R. App. P.)

PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE A COURT REPORTER'S TRANSCRIPT:
 I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT THAT STATUS HAS NOT BEEN REVOKED; OR, (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS.

	June 28, 2000 Date	GARY A. C. BACKUS Print or Type Name
---	-----------------------	---

DISTRIBUTION: Original filed with Clerk of the Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction, and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript.

JUN 28 2005 10:33 AM

 AUTAUGA CO. AL
 CLERK OF COURT
 OFFICE

**CERTIFICATE OF COMPLETION AND TRANSMITTAL
OF RECORD ON APPEAL BY TRIAL CLERK**

TO: The Clerk of the Court of Criminal Appeals of Alabama

Case No. CC-99-322

Date of Notice of Appeal
6/19/00

CARL EMMETT WYATT
Appellant

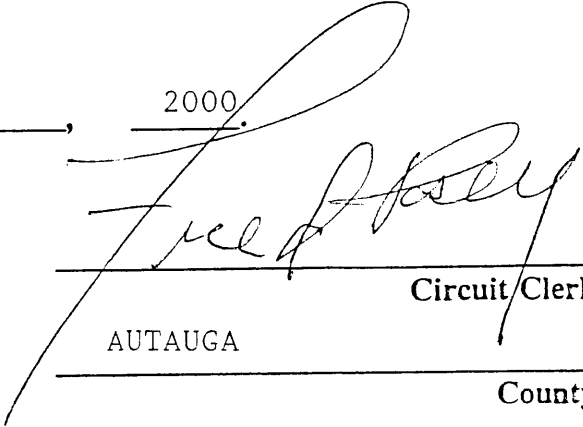
v.

State of Alabama
Appellee

I certify that I have this date completed and transmitted herewith to the appellate court the record on appeal by assembling in (a single volume of _____ pages)(1 volumes of 200 pages each and one volume of 007 pages) the clerk's record and the reporter's transcript and that one copy each of the record on appeal has been served on the defendant and the Attorney General of the State of Alabama for the preparation of briefs.

I certify that a copy of this certificate has this date been served on counsel for each party to the appeal.

DATED this 26 **day of** July, 2000.



Circuit Clerk
AUTAUGA

County

State of Alabama Unified Judicial System Form ARAP-1C	REPORTER'S TRANSCRIPT ORDER B CRIMINAL See Rules 10(c) and 11(b) or the Alabama Rules of Appellate Procedure (A. R. App. P.)	Criminal Appeal Number CR-99-1947
---	---	--------------------------------------

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

CIRCUIT COURT OF AUTAUGA COUNTY
 CARL EMMETT WYATT, Appellant
 v.
 STATE OF ALABAMA
 Case Number CC-99-322
 Date of Notice of Appeal: June 19, 2000 (Written)

Date of Judgment/Sentence/Order: June 14, 2000
 Indigent Status Granted: Yes

Part 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:
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_____ Signature	_____ Date	GARY A. C. BACKUS Print or Type Name
--------------------	---------------	---

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 COURT REPORTER(S)
CAROL FAIN, 8935 U.S. Highway 231, Room 232, Wetumpka, Alabama 36092

B. XX ORGANIZATION OF THE JURY B This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (see Rule 19.4, A. R. Cr. P.)

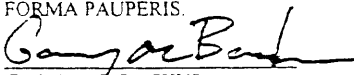
C. _____ ARGUMENTS OF COUNSEL B Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4 A. R. Cr. P.)

IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):

ADDITIONAL PROCEEDINGS REQUESTED	DATE	COURT REPORTER(S)
D. _____		

IMPORTANT NOTICE: The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A. R. App. P.)

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 GARY A. C. BACKUS	June 28, 2000 Date	GARY A. C. BACKUS Print or Type Name
--	-----------------------	---

DISTRIBUTION: Original filed with Clerk of the Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction, and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript.